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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DEPUTY

BY:

UNITED STATES DISTRICT COURT, SOUTHERN DISTRICT OF CALIFORNIA

ROBERT K. VICINO, an individual; and
FRACTIONAL VILLAS, INC., a California
Corporation,

Plaintiffs,

v.

JOSH ALLEN, an Individual; and DOES
1 - 25,

Defendants

Case Number:

Dept.:

Judge:

08 CV 0967 W AJB

**COMPLAINT FOR MONETARY
DAMAGES AND INJUNCTIVE
RELIEF FOR:**

- 1. INFRINGEMENT OF UNITED
STATES COPYRIGHT
REGISTRATION NO. TX-6-613-
055**
- 2. FEDERAL UNFAIR
COMPETITION VIOLATIONS**
- 3. CALIFORNIA STATE UNFAIR
COMPETITION VIOLATIONS**

DEMAND FOR TRIAL BY JURY

Plaintiffs ROBERT K. VICINO and FRACTIONAL VILLAS, INC. (collectively
"Plaintiffs") allege as follows:

PARTIES

1. Plaintiff ROBERT K. VICINO ("Vicino") is, and at all relevant times was, an
individual residing in Del Mar, CA.

2. Plaintiff FRACTIONAL VILLAS, INC. ("FVI") is, and at all relevant times
was, a corporation organized and existing under the law of California and has its principal place
of business in Del Mar, California.

JURISDICTION

6. Personal jurisdiction over Allen (“Defendants”) is based on the Defendants' transaction of business in this Jurisdiction as recited herein and the Defendants causing tortious injury in this jurisdiction as recited herein. Upon information and belief, Plaintiffs allege that Defendants are conducting commercial activities in numerous districts throughout the United States including, but not limited to, the Southern District of California. Upon information and belief, personal jurisdiction in this District is proper because the Defendants, willfully and without consent or permission of the copyright owner, disseminated over the Internet copyrighted works owned and/or controlled by Plaintiffs.

7. On information and belief, Defendants knew the Plaintiffs' principal place of business is in the Southern District of California. On information and belief, Defendants' illegal

1 dissemination of Plaintiffs' copyrighted work occurred in every jurisdiction in the United
2 States, including this one.

3 **VENUE**

4 8. Venue is proper in this court under 28 U.S.C. §§ 1391(b), 1391(c), and 1400(a)
5 as Defendants have purposefully directed activities at this forum, including willfully infringing
6 Plaintiff's copyright with knowledge that Plaintiff's principal place of business is in the forum.
7 Moreover, defendants market, advertise, and sell fractional ownership of properties to
8 consumers and businesses in the Southern District of California.

9 **ALLEGATIONS IN SUPPORT OF ALL CLAIMS**

10 9. Vicino is the author of Copyright Registration No. TX-6-613-055, entitled
11 "Fractional Villas.com website (www.fractionalvillas.com)" ("the Copyright") (See Exhibit
12 "A."). FVI is the Copyright Claimant. The Copyright was filed October 11, 2007, and the
13 registration became effective the same date. The Copyright pertains to a web site offering
14 fractional ownership in luxury properties. Both the web site content and source code are
15 contained in the Copyright.

16 10. The works protected by Copyright Registration No. TX-6-613-055 are works of
17 authorship fixed in a tangible medium of expression that contain a substantial amount of
18 material created by the skill, labor, and judgment of Vicino that was first published on October
19 5, 2007.

20 11. The works protected by Copyright Registration NO. TX-6-613-055 are
21 derivative works of prior versions. The prior versions were first published at least by March
22 27, 2005.

23 12. Plaintiffs Vicino and FVI have complied in all respects with the Copyright Laws
24 of the United States and received from the Register of Copyrights the certificate of registration
25 for Copyright No. TX-6-613-055.

26 13. The Copyright is licensed solely and exclusively by Vicino to FVI, which
27 markets, advertises, and sells fractional ownership in luxury properties through
28

1 www.fractionalvillas.com. FVI sublicenses and/or authorizes the use of certain content
2 protected by the Copyright to other individuals and/or organizations by separate agreement.

3 14. On information and belief, Defendants have claimed authorship of the
4 copyrighted work on <http://www.luxfractionalhomes.com>. Plaintiffs are informed and believe
5 and thereon allege that Defendants represent to the public the web site
6 <http://www.luxfractionalhomes.com> is comprised of unique material copyrighted by
7 Defendants when, in fact, Defendants have reproduced the work protected by the Copyright and
8 incorporated that work, or significant portions thereof, into Defendants' internet site and/or
9 internet sites under Defendants' dominion and control when such work is in fact copyrighted by
10 Plaintiffs and which has been existing on Plaintiffs' web site since March 2005

11 15. Defendants have infringed Plaintiffs' copyright registration of United States
12 Copyright No. TX-6-613-055 by reproducing the work protected by the Copyright and
13 incorporating that work, or significant portions thereof, into Defendants' internet site and/or
14 Internet sites under Defendants' dominion and control.

15 16. Defendants do not have permission or license from Plaintiffs to use any portion
16 of the Copyright protected by United States Copyright Registration No. TX-6-613-055.

17 17. Defendants have derived and are deriving economic benefit from the
18 infringement of United States Copyright Registration No. TX-6-613-055, and Plaintiffs have
19 been damaged and continue to be damaged by Defendants' infringement. Defendants'
20 infringement of the Copyright has diverted potential customers away from FVI's Internet site.
21 Defendants posted the copyrighted work on the web site <http://www.luxfractionalhomes.com> to
22 earn income from the sale of fractional ownership in luxury properties.

23 18. Defendants' infringement is exacerbated by the fact that the infringing web site
24 was indexed by major search engines Google and Yahoo, and broadcast worldwide in response
25 to key word searches, and thus comes into direct competition with Vicino's original work for
26 visitors and buyers. FVI's business and reputation were irreparably harmed by the confusion
27 caused by the dual publication of the infringed material through web search engine results from
28 Google, Yahoo, et al.

19. In or about March 2005, Plaintiffs first published the material that would become the basis for the Copyright. Between August 2005 and October 2007, Vicino modified the site content, however the vast majority of the Copyright has been on the site, with a © on each site page, since August 2005. As set forth above, Vicino applied for and received the Copyright in October 2007.

20. Defendants are Plaintiffs' competitors. Both Plaintiffs and Defendants compete for business in the fledgling marketing of fractional ownership in luxury properties. Plaintiffs contend the unauthorized reproduction of Plaintiff's copyrighted material initially occurred on or before April 2008, and continued until at least May of 2008.

21. Defendants have infringed Plaintiffs' copyright registration of United States Copyright Registration No. TX-6-613-055 by reproducing the work protected by the Copyright and incorporating that work, or portions thereof, into Defendants' web sites.

22. Defendants do not have permission or license from any or all of Plaintiffs to use any portion of the Copyright protected by United States Copyright Registration No. TX-6-613-055.

23. Defendants have derived and are deriving economic benefit from the infringement of United States Copyright Registration No. TX-6-613-055, and each Plaintiff has been damaged and continues to be damaged by Defendants' Infringement.

24. Plaintiffs allege that Defendants are aware their web site infringes United States Copyright Registration No. TX-6-613-055. Nevertheless, Defendants have blatantly usurped not only Plaintiffs' concept, but have also chosen to simply take the content off of FVI's web site and to claim it as their own.

FIRST CAUSE OF ACTION:

INFRINGEMENT OF U.S. COPYRIGHT TX-6-613-055

AS AGAINST ALL DEFENDANTS

25. Plaintiffs incorporate by reference the paragraphs as set forth above.

26. Effective October 11, 2007, U.S. Copyright No. TX-6-613-055 ("the Copyright"), entitled "FractionalVillas.com website (www.fractionalvillas.com)," was duly and

1 legally issued to Plaintiffs ROBERT K. VICINO and FRACTIONAL VILLAS, INC. FVI is the
2 sole and exclusive licensee of the Copyright from Vicino. FVI is in the business of marketing,
3 advertising, and selling fractional ownership in luxury properties, primarily through the
4 aforementioned web site.

5 27. Plaintiffs are the owners in fact of all rights to license the Copyright.

6 28. Defendants are engaged in the business of marketing, advertising, and
7 selling fractional ownership in luxury properties by way of
8 <http://www.luxfractionalhomes.com>, a website that was built, designed, and constructed
9 using material and content that is the subject of the Copyright, and without the
10 authorization of Plaintiffs. Defendants have reproduced the work protected by the
11 Copyright and incorporated that work, or significant portions therefore, into
12 Defendants' internet site and/or internet sites under Defendants dominion and control.

13 29. By committing the acts alleged herein, including but not limited to reproducing
14 the work protected by the Copyright and incorporating that work, or significant portions
15 thereof, into Defendants' internet site and/or internet sites under Defendants' dominion and
16 control, Defendants have infringed, induced, and/or contributed to the infringement of the
17 Copyright.

18 30. Upon information and belief, Plaintiffs allege that Defendants' infringement,
19 inducement of infringement, and/or contributory infringement of the Copyright has been
20 willful, deliberate, knowing, and with wanton disregard of Plaintiffs' ownership of the
21 Copyright.

22 31. Upon information and belief, Plaintiffs allege that Defendants will continue to
23 infringe, continue to induce others to infringe, and/or continue to contributorily infringe the
24 Copyright to Plaintiffs' irreparable damage unless enjoined by this court.

25 32. Plaintiffs have been damaged by the foregoing infringing acts of Defendants.
26 The exact amount of such damages can be determined upon an accounting.

27 ///

28 ///

SECOND CAUSE OF ACTION:

UNFAIR COMPETITION VIOLATIONS

AS AGAINST ALL DEFENDANTS

33. Plaintiffs incorporate by reference the paragraphs as set forth above.

34. This court has jurisdiction of this action under its supplemental jurisdiction authority pursuant to 28 U.S.C. § 1338(b) to hear Plaintiffs' related federal claim of unfair competition that arises out of the same operative facts as the federal copyright infringement claim set forth above.

35. Plaintiffs are informed and believe and on that basis allege that Defendants intentional infringement of the Copyright constitutes unfair competition under federal law.

36. By reason of the conduct alleged herein, Defendants are guilty of malice, oppression, and willful disregard of the rights of Plaintiffs.

37. Defendants' unlawful, unfair, deceptive and fraudulent business practice constitutes despicable, outrageous, oppressive, and malicious conduct under California Civil Code § 3294, and thereby justifies an award of exemplary and punitive damages against Defendants as federal law allows for the importation of state punitive damages statutes where the federal claim is tortious in nature.

38. As a direct and proximate cause of Defendants' wrongful conduct, Plaintiffs have sustained and will sustain injury to their business and property in an amount not yet precisely ascertainable but including the loss of sales of their products and loss of reputation and goodwill.

THIRD CAUSE OF ACTION:

CALIFORNIA UNFAIR COMPETITION VIOLATIONS

AS AGAINST ALL DEFENDANTS

39. Plaintiffs incorporate by reference the paragraphs as set forth above.

40. This court has jurisdiction of this action under its supplemental jurisdiction to hear Plaintiffs' related claim of unfair competition that arises out of the same operative facts as the federal claims set forth above.

1 41. Plaintiffs' state claim is based upon Cal. Business & Professions Code §§ 17200
2 et seq.

3 42. Plaintiffs are informed and believe and thereon allege that Defendants'
4 intentional infringement of the Copyright, is an unlawful, unfair, and/or fraudulent business act
5 or practice and constitutes unfair competition under California state law. Defendants have
6 started a business to directly compete with Plaintiffs' business by creating a web site to market
7 and advertise Defendants' business, and ultimately to drive Defendants' sales, taking from
8 Plaintiffs not only the concept of fractional ownership of luxury properties, but also directly
9 stealing and copying copyrighted material from Plaintiffs' web site. Moreover, Defendants have
10 reproduced the work protected by the Copyright and incorporated that work, or significant
11 portions thereof, into Defendants' internet site and/or internet sites under Defendants' dominion
12 and control.

13 43. Plaintiffs are informed and believe and thereon allege that Defendants acts as
14 alleged herein constitute unfair, deceptive, untrue, and misleading advertising in that
15 Defendants represent to the public the web site <http://www.luxfractionalhomes.com> is
16 comprised of unique material copyrighted by Defendants when, in fact, Defendants have
17 reproduced the work protected by the Copyright and incorporated that work, or significant
18 portions thereof, into Defendants' internet site and/or internet sites under Defendants' dominion
19 and control when such work is in fact copyrighted by Plaintiffs and which has been existing on
20 Plaintiffs' web site since March 2005.

21 44. Defendants' unlawful, unfair, deceptive, and fraudulent business practice and
22 unfair, deceptive, untrue, and misleading advertising constitutes despicable, outrageous,
23 oppressive, and malicious conduct under California Civil Code § 3294 and justifies an award of
24 exemplary and punitive damages against Defendants.

25 45. As a direct and proximate cause of Defendants' wrongful conduct, Plaintiffs
26 have sustained and will sustain injury to their business and property in an amount not yet
27 precisely ascertainable but including the loss of sales of luxury properties and loss of reputation
28 and goodwill.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray this court enter judgment against Defendants as follows:

1. That a temporary restraining order and, subsequently, that a preliminary injunction be granted enjoining Defendants and all those in privity with Defendants during the pendency of this action from further infringement of U.S. Copyright Registration No. TX-6-613-055 ;

2. That a permanent injunction be granted perpetually enjoining Defendants from further infringement of U.S. Copyright Registration No. TX-6-613-055 ;

3. That a temporary restraining order and, subsequently, that a preliminary injunction be granted enjoining Defendants and all those in privity with Defendants during the pendency of this action from advertising, displaying, or broadcasting over the internet a web site which reproduces the Copyright or any derivation thereof, or which by imitation or other similarity to those of the Copyright are likely to cause confusion, mistake, dilution, or persons to be deceived into the belief that Defendants' services are Plaintiffs' services or that Defendants and their services are authorized, endorsed, or sponsored by Plaintiffs;

4. That a permanent injunction be granted perpetually enjoining Defendants and all those in privity with Defendants from advertising, displaying, or broadcasting over the internet a web site which infringes on the Copyright, or any derivation thereof, or which by imitation or other similarity to that of Plaintiffs is likely to cause confusion, mistake, dilution, or persons to be deceived into the belief that Defendants' services are Plaintiffs' services or that Defendants and their services are authorized, endorsed, or sponsored by Plaintiffs.

5. That a judgment be entered that Defendants have infringed, actively induced others to infringe, and/or contributorily infringed U.S. Copyright Registration No. TX-6-613-055;

6. That a judgment be entered that Defendants be required to pay over to Plaintiffs all damages sustained by Plaintiffs due to Defendants intentional, willful, and malicious infringement of U.S. Copyright Registration No. TX-6-613-055, such damages as this court

1 shall deem just and proper under the Copyright Act, 17 U.S.C. §504, but not less than \$150,000
2 for each separate infringement of Plaintiffs' copyright;

3 7. That all gains, profits, and advantages derived by Defendants from their acts of
4 infringement and other violations of law be deemed held in constructive trust for the benefits of
5 Plaintiffs;

6 8. That Defendants, and each of them, account to Plaintiffs for their profits and any
7 damages sustained by Plaintiffs arising from the foregoing acts of infringement;

8 9. That punitive damages be awarded;

9 10. That costs and prejudgment interest be awarded on all damages;

10 11. That Plaintiffs be awarded their attorneys' fees as available under the Copyright
11 Act, 17 U.S.C. §§ 505 et seq. and California Business & Professions Code §§ 17200 et seq.

12 12. That an order be entered requiring Defendants to deliver up to be impounded
13 during the pendency of this action all copies of copyrighted material in Defendants' possession
14 and infringing U.S. Copyright Registration No. TX-6-613-055;


15 13. That Defendants be required to file with the court within 30 days after entry of
16 final judgment of this cause a written statement under oath setting forth the manner in which
17 Defendants have complied with final judgment;

18 14. That Plaintiffs be awarded such other and further relief as the court deems
19 appropriate.

20 ///

21 The Law Offices of Eric Hanscom

22 Dated: May 30, 2008



23 Eric A. Hanscom
24 Attorney for Plaintiffs ROBERT K. VICINO and
FRACTIONAL VILLAS, INC.

25 ///

26 ///

27 ///

28 ///

DEMAND FOR JURY TRIAL

Plaintiffs hereby demand a trial by jury of all issues so triable.

///

Dated: May 30, 2008

The Law Offices of Eric Hanscom



Eric A. Hanscom
Attorney for Plaintiffs ROBERT K. VICINO and
FRACTIONAL VILLAS, INC.

EXHIBIT “A”



This Certificate issued under the seal of the Copyright Office in accordance with title 17, United States Code, attests that registration has been made for the work identified below. The information on this certificate has been made a part of the Copyright Office records.

Marybeth Peters

Register of Copyrights, United States of America

Form TX

For a Nondramatic Literary Work
UNITED STATES COPYRIGHT OFFICE

REGIST

TX 6-613-055



EFFECTIVE DATE OF REGISTRATION

Month Oct Day 11 Year 2007

ATTACH CONTINUATION SHEET.

1

TITLE OF THIS WORK ▼

FractionalVillas.com website (<http://www.fractionalvillas.com>)

PREVIOUS OR ALTERNATIVE TITLES ▼

PUBLICATION AS A CONTRIBUTION If this work was published as a contribution to a periodical, serial, or collection, give information about the collective work in which the contribution appeared. Title of Collective Work ▼

If published in a periodical or serial give: Volume ▼

Number ▼

Issue Date ▼

On Pages ▼

2

NAME OF AUTHOR ▼

a Robert K. Vicino

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

1953

Was this contribution to the work a "work made for hire"?

☐ Yes☒ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of ► USA

Domiciled in ► USA

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☒ NoPseudonymous? ☐ Yes ☒ No

If the answer to either of these questions is "Yes," see detailed instructions.

NOTE

Under the law, the "author" of a "work made for hire" is generally the employer, not the employee (see instructions). For any part of this work that was "made for hire" check "Yes" in the space provided, give the employer (or other person for whom the work was prepared) as "Author" of that part, and leave the space for dates of birth and death blank.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼
Internet website including all associated pages, text, photographs, design, code, and graphics.

NAME OF AUTHOR ▼

b

Was this contribution to the work a "work made for hire"?

☐ Yes☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of ►

Domiciled in ►

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ NoPseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

NAME OF AUTHOR ▼

c

Was this contribution to the work a "work made for hire"?

☐ Yes☐ No

AUTHOR'S NATIONALITY OR DOMICILE

Name of Country

OR Citizen of ►

Domiciled in ►

DATES OF BIRTH AND DEATH

Year Born ▼

Year Died ▼

WAS THIS AUTHOR'S CONTRIBUTION TO THE WORK

Anonymous? ☐ Yes ☐ NoPseudonymous? ☐ Yes ☐ No

If the answer to either of these questions is "Yes," see detailed instructions.

NATURE OF AUTHORSHIP Briefly describe nature of material created by this author in which copyright is claimed. ▼

3

YEAR IN WHICH CREATION OF THIS

WORK WAS COMPLETED

2007

This information

must be given

in all cases.

DATE AND NATION OF FIRST PUBLICATION OF THIS PARTICULAR WORK

Complete this information

ONLY if this work

has been published.

Month ► October

Day ► 5

Year ► 2007

USA

Nation

4

COPYRIGHT CLAIMANT(S) Name and address must be given even if the claimant is the same as the author given in space 2. ▼

* ~~Robert K. Vicino~~ * Fractional Villas, Inc.

985 Jeffrey Road
Del Mar, CA 92014

TRANSFER If the claimant(s) named here in space 4 is (are) different from the author(s) named in space 2, give a brief statement of how the claimant(s) obtained ownership of the copyright. ▼

Transfer of all rights of copyright to Fractional Villas, Inc. by Robert K. Vicino. The company is majority owned by Robert K. Vicino.

APPLICATION RECEIVED

OCT 11 2007

ONE DEPOSIT RECEIVED

TWO DEPOSITS RECEIVED

OCT 11 2007

FUNDS RECEIVED

MORE ON BACK ►

• Complete all applicable spaces (numbers 5-6) on the reverse side of this page.
• See detailed instructions.

• Sign the form at line 8.

DO NOT WRITE HERE

Page 1 of 2 pages

*Amended by CO Authority Telephone Call
on 10/25/07 with Robert K. Vicino.

**Amended by CO per email received on
10/25/07 from Robert K. Vicino.

EXAMINED BY

FORM TX

CHECKED BY

CORRESPONDENCE

Yes

FOR
COPYRIGHT
OFFICE
USE
ONLY

DO NOT WRITE ABOVE THIS LINE. IF YOU NEED MORE SPACE, USE A SEPARATE CONTINUATION SHEET.

PREVIOUS REGISTRATION Has registration for this work, or for an earlier version of this work, already been made in the Copyright Office?

☐ Yes ☒ No If your answer is "Yes," why is another registration being sought? (Check appropriate box.) ▼

a. ☐ This is the first published edition of a work previously registered in unpublished form.

b. ☐ This is the first application submitted by this author as copyright claimant.

c. ☐ This is a changed version of the work, as shown by space 6 on this application.

If your answer is "Yes," give Previous Registration Number ►

Year of Registration ►

DERIVATIVE WORK OR COMPILATION

Preexisting Material Identify any preexisting work or works that this work is based on or incorporates. ▼

Prior versions of the <http://www.fractionalvillas.com> website, which was first published on March 27, 2005

Material Added to This Work Give a brief, general statement of the material that has been added to this work and in which copyright is claimed. ▼

Numerous html code, text, ~~image~~ graphic, photographic and layout modifications have been made and updated since the original publication, on an ongoing and continuous basis.

DEPOSIT ACCOUNT If the registration fee is to be charged to a Deposit Account established in the Copyright Office, give name and number of Account.
Name ▼ Account Number ▼

CORRESPONDENCE Give name and address to which correspondence about this application should be sent. Name / Address / Apt / City / State / Zip ▼

Fractional Villas, Inc., Attn: Robert K. Vicino
985 Jeffrey Road
Del Mar, CA 92014

Area code and daytime telephone number ► 619-252-8311

Fax number ► 858-228-1772

Email ► rvicino@fractionalvillas.com

CERTIFICATION I, the undersigned, hereby certify that I am the

Check only one ►

- ☒ author
☐ other copyright claimant
☐ owner of exclusive right(s)
☐ authorized agent of

of the work identified in this application and that the statements made by me in this application are correct to the best of my knowledge.

Name of author or other copyright claimant, or owner of exclusive right(s) ▲

Typed or printed name and date ▼ If this application gives a date of publication in space 3, do not sign and submit it before that date.

Robert K. Vicino

Date ► 10/05/2007

Handwritten signature ▼

Certificate
will be
mailed in
window
envelope
to this
address:

Name ▼
Robert K. Vicino

Number/Street/Apt ▼
985 Jeffrey Road

City/State/Zip ▼
Del Mar, CA 92014

YOU MUST

- Complete all necessary spaces
- Sign your application in space 8

SEND ALL ELEMENTS
IN THE SAME PACKAGE:

1. Application form
2. Nonrefundable filing fee in check or money order payable to Register of Copyrights
3. Deposit material

MAIL TO:
Library of Congress
Copyright Office
101 Independence Avenue SE
Washington, DC 20559-6222

*17 USC §508(c): Any person who knowingly makes a false representation of a material fact in the application for copyright registration provided for by section 405, or in any written statement submitted with the application, shall be fined not more than \$2,500.

**UNITED STATES
DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
SAN DIEGO DIVISION**

**# 151394 - TC
* * C O P Y * *
May 30, 2008
13:23:13**

Civ Fil Non-Pris
USAO #: 08CV0967
Judge.: THOMAS J WHELAN
Amount.: \$350.00 CC

Total-> \$350.00

FROM: VICINO, ROBERT AND FRACTIONAL
VILLAS VS.
ALLEN, JOSH AND DOES 1-25

JS 44 (Rev. 12/07)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Vicino, Robert K. and Fractional Villas, Inc.

(b) County of Residence of First Listed Plaintiff San Diego County
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

The Law Offices of Eric Hanscom
7395 Portage Way Carlsbad, CA 92011 (760)804-1712

DEFENDANTS

Allen, Josh and Does, 1-25

County of Residence of First Listed Defendant Lubbock County

(IN U.S. PLAINTIFF CASES ONLY: DISTRICT OF CALIFORNIA)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known) BY:

08 CV 0967 W AJB

DEPUTY

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant
- ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- Citizen of This State ☐ PTF ☐ DEF ☐ 1 ☐ 1 Incorporated or Principal Place of Business In This State ☐ PTF ☐ DEF ☐ 4 ☐ 4
- Citizen of Another State ☐ 2 ☐ 2 Incorporated and Principal Place of Business In Another State ☐ 5 ☐ 5
- Citizen or Subject of a Foreign Country ☐ 3 ☐ 3 Foreign Nation ☐ 6 ☐ 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition		

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
17 U.S.C., section 101 et seq.

Brief description of cause:
Copyright infringement.

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 ☐ DEMAND \$ 150,000.00

CHECK YES only if demanded in complaint:
JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

5/30/08
FOR OFFICE USE ONLY

Eric Hanscom

RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

AO 121 (6/90)

TO: Register of Copyrights Copyright Office Library of Congress Washington, D.C. 20559	REPORT ON THE FILING OR DETERMINATION OF AN ACTION OR APPEAL REGARDING A COPYRIGHT
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In compliance with the provisions of 17 U.S.C. 508, you are hereby advised that a court action or appeal has been filed on the following copyright(s):

<input type="checkbox"/> ACTION	<input type="checkbox"/> APPEAL	COURT NAME AND LOCATION
DOCKET NO. 08cv967	DATE FILED 5/30/2008	United States District Court, Southern District of California 880 Front Street, Room 4290 San Diego, CA 92101-8900
PLAINTIFF Robert K. Vicino & Fraction Villas, Inc.		DEFENDANT Josh Allen et al
COPYRIGHT REGISTRATION NO.	TITLE OF WORK	AUTHOR OF WORK
1 TX-6-613-055	Fractional Villas.com website (www.fractionalvillas.com)	Robert K. Vicino
2		
3		
4		
5		

In the above-entitled case, the following copyright(s) have been included:

DATE INCLUDED	INCLUDED BY		
	<input type="checkbox"/> Amendment	<input type="checkbox"/> Answer	<input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading
COPYRIGHT REGISTRATION NO.	TITLE OF WORK	AUTHOR OF WORK	
1			
2			
3			

In the above-entitled case, a final decision was rendered on the date entered below. A copy of the order or judgment together with the written opinion, if any, of the court is attached.

COPY ATTACHED	WRITTEN OPINION ATTACHED	DATE RENDERED
<input type="checkbox"/> Order <input type="checkbox"/> Judgment	<input type="checkbox"/> Yes <input type="checkbox"/> No	
CLERK	(BY) DEPUTY CLERK	DATE

Copy 1 - Upon initiation of action, mail this copy to Register of Copyrights Copy 2 - Upon filing of document adding copyrights, mail this copy to Registrar of Copyrights

Copy 3 - Upon termination of action, mail this copy to Registrar of Copyrights Copy 4 - In the event of appeal, forward this copy to the Appellate Court so they can prepare a new AO 279 for the appeal

Copy 5 - Case file copy